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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,901	11/29/2001	Richard D. Ellis	130081	4144

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 09/30/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 26-43 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Previously presented claims 3-15 and 22-25 are directed towards an invention in which a plurality of advertisements are downloaded and the system is programmed to select a “best fit” advertisement from that plurality to be placed into a game.

In contrast, newly added claims 26-43 recite a separate and distinct invention in which an advertisement is downloaded, and the system is programmed to determine whether that advertisement meets specific predefined criteria, and should the criteria not be met a request for the download of additional advertising is made.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 26-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL BEKERMAN whose telephone number is

Art Unit: 3622

(571)272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Bekerman/
Examiner, Art Unit 3622